

TOWN BOARD MEETING
November 16, 2006 - 6:00 PM

The meeting was called to order by Supervisor Reagon at 6:00 p.m.

Salute to the Flag was conducted.

Emergency Exits were pointed out by the Supervisor.

Roll Call:

Councilwoman Perotti	Present
Councilman Euvrard	Present
Councilwoman Doyle	Present (late)
Councilman Russell	Present
Supervisor Reagon	Present

OPEN PUBLIC HEARING ON PROPOSED LOCAL LAW ON OUTDOOR WOOD-BURNING FURNACES (OWF)

At Supervisor Reagon's request, Councilman Euvrard moved to open the Public Hearing on a proposed Local Law on Outdoor Wood Burning Furnaces (OWF).

MOTION: C/Euvrard

SECOND: C/Perotti

ROLL CALL:	C/Perotti	- AYE	C/Doyle	- absent
	C/Euvrard	- AYE	C/Russell	- AYE
	S/Reagon	- AYE		

MOTION CARRIED 4 to 0.

PUBLIC HEARING COMMENTS

- Sharon Kroeger reported that she had recently attended a conference in Saratoga where OWF were discussed. The Town should have a systematic broader approach, not react based on one complaint. Perhaps OWFs should not be used in the hamlets but only in rural areas. There are some errors in the Attorney General's report.
- Robert Meade commended the Town Board for their interest in protecting the health of the residents by addressing the issue of OWF. Although he is gravely allergic to smoke, he urged the Town Board not to ban OWFs, but rather to regulate them. DEC regulations already provide redress for a homeowner suffering from a neighbor's furnace. OWFs, in combination with the abundance of local trees, can provide a route to energy independence.
- Ron Carboni advised the Board that health issues should be the highest priority. Wood smoke has become a major source of air pollution in the U.S. with some particulates staying in the air for up to three weeks. Furthermore, small particle size allows entrance into homes even through closed doors and windows. Unlike second-hand cigarette smoke which can cause immediate damage to the body for only 30 seconds, second-hand wood smoke continues to cause damage in the body for up to 20 minutes. The life-time build-up of wood smoke may be more harmful than cigarette smoke.
- Kathy Carboni related her experience as a neighbor of an OWF user. One night the smoke was so bad that she could not breathe in her house and had to spend the night in the car. During the day, she cannot use her garden or her land when the OWF is smoking, even though they live 200 feet away

from the furnace. As a result, after 30 years, the Carboni's are looking to move away.

- Joe Casey said that his history with OWFs has been very good. For the past five years he has used an OWF from September through May and has had no complaints from neighbors. The proposed local law is too restrictive. Why should he have to alter his stove since he has had no complaints?
- Mark Rogers identified himself as the owner of the OWF that resulted in the original complaint to the Town Board. In his opinion, this is a neighbor's dispute and we should wait to see what the state will do. He added that the permit cycle included in the proposed local law would not be effective in his case, since his OWF had been successfully inspected by the Town and still there was a complaint.
- Anthony Battista emphasized that the overriding factor is the health and welfare of the majority of the people. OWFs are designed to shut down (and smoke) when the water reaches a certain temperature. Because the State will take a long time to do anything, we should act at the Town level now.
- Elizabeth Whaley reiterated the advice of the CAC that OWFs should be banned. The CAC has continued its research since this advice was presented to the Town Board, and they stand by their initial recommendation.

CLOSE THE PUBLIC HEARING

There being no further public comment, the Public Hearing was closed at 6:25 p.m.:

MOTION: C/Euvrard
SECOND: C/Perotti
ROLL CALL: C/Perotti - AYE C/Doyle - absent
 C/Euvrard - AYE C/Russell - AYE
 S/Reagon - AYE
MOTION CARRIED 4 to 0.

OPEN TOWN BOARD REGULAR MEETING

At 7:00 p.m., the regular Town Board meeting was opened:

MOTION: C/Euvrard
SECOND: C/Doyle
ROLL CALL: C/Perotti - AYE C/Doyle - AYE
 C/Euvrard - AYE C/Russell - AYE
 S/Reagon - AYE
MOTION CARRIED 5 to 0.

PUBLIC COMMENT - AGENDA ITEMS ONLY

None.

OLD AMENIA LANDFILL FINANCING - SAL PENNINI

Sal Pennini of Public Finance Associates, Inc. made the following points:

- The Old Amenia Landfill agreement with the State is typical: the Town pays 25% and the state pays 75%.
- Private parties will pay 30% of the state's part, which will not reduce the Town's share. However, the State can set up an escrow

account with the money from the private parties (generators) and Amenia can spend that money first.

- Amenia's ultimate share of the cost is estimated at \$1.25 million.
- A Bond Anticipation Note (BAN) has a duration of one year or less. Amenia could save \$40,000 to \$50,000 in short-term financing fees by spending the generators' money first, as the State has agreed.
- If Amenia borrowed money in 2008, we would begin the repayment in 2009. State finance laws allow a Town to delay principal reduction until two years after the initial bond.
- A BAN must be used strictly as stated in the "bond resolution" which includes useful life (20 years for a landfill). Equipment would require a separate bond resolution. Capital monies from different bond resolutions cannot be commingled.

OUTDOOR WOOD BURNING FURNACES LOCAL LAW

For the purpose of discussion, Supervisor Reagon moved, and Councilman Russell seconded, the motion to adopt the proposed Local Law on Outdoor Wood Burning Furnaces. Councilman Euvrard suggested delaying a vote to allow time to consider the statements made in the Public Hearing. Councilwoman Perotti voiced her objection to a ban. She prefers limited regulations that could be enforced by the Building Department. Furthermore, the set-backs aren't doable on a small lot. Councilman Russell pointed out that that was the exact point - OWFs should not be allowed on small lots. Any local law must fair to everyone, and there will always be more people who do not have OWFs than those who do have them.

Attorney Michael Hayes explained that if the EPA or NYS came out with regulations, the doctrine of preemption would apply. In some areas, State law preempts Town law; in other areas, both can apply, depending on how the State law is written. For example, federal or state law could set minimum rights, but local laws could go beyond that.

Councilwoman Doyle observed that this law does not fit Amenia. It varies depending on topography and many other variables. To enact quick regulation may be worse than no regulation at all. At this point, Supervisor Reagon withdrew the motion and the issue was tabled until next month.

ADOPT 2007 BUDGET

Supervisor Reagon explained several points about the Preliminary Budget:

- Wassaic lights: the \$16,000 in the budget may be needed since two different bills must be consolidated. If the money is not used, it will be returned to the members of the Wassaic Lighting District.
- There are several one-time expenses in the budget (\$100,000 for sidewalks and \$100,000 for playground equipment). When you have a large fund balance, it makes sense to invest in the infrastructure and not take on debt. Some of these items have been discussed for years, but never got accomplished.

ADOPT PRELIMINARY BUDGET AS TOWN BUDGET FOR 2007

MOTION: S/Reagon

SECOND: C/Russell

ROLL CALL: C/Perotti - AYE

C/Euvrard - NO

S/Reagon - AYE

C/Doyle - AYE

C/Russell - AYE

MOTION CARRIED 4 to 1.

ADVERTISE FOR POSITIONS

Town Clerk Gail Hermosilla read the advertisement for paid positions (CPIC secretary, summer recreation director, assistant recreation director, water safety instructor, camp counselors, life guards, and maintenance director) and volunteer positions (Planning Board, Zoning Board of Appeals, Recreation Commission, Conservation Advisory Council, and Enhancement Committee).

Councilman Euvrard objected to opening up the positions of board members whose terms were ending. He prefers a type of automatic renewal unless the incumbent has not fulfilled the duties of the position. Councilwoman Doyle reminded him that the approved Town Board policy was to have open applications for all positions, allowing us to get the best person for any opening. Incumbents are invited to apply, and some of them are glad for the opportunity to tell the Town Board of their qualifications. This open application process is not taken as an offense by the incumbents. Councilman Russell agreed that it is a fair process.

Councilwoman Doyle noted that the CPIC secretary salary is \$12 to \$14 an hour.

AUTHORIZE TOWN CLERK TO ADVERTISE FOR PAID AND VOLUNTEER POSITIONS

MOTION: S/Reagon

SECOND: C/Russell

ROLL CALL: C/Perotti - AYE C/Doyle - AYE
C/Euvrard - abstain C/Russell - AYE
S/Reagon - AYE

MOTION CARRIED 4 to 0 with 1 abstention.

SET PUBLIC HEARING DATE ON NEW WATER TOWER AND WATER DISTRICT EXPANSION

Supervisor Reagon moved to set the Public Hearing for Thursday December 14 at 6:00 pending everything being in place, such as finalized cost details and resolution of the well 4A situation. Michael Hayes clarified that we could open the Public Hearing and then keep it open until well 4A is settled.

SET PUBLIC HEARING ON NEW WATER TOWER AND WATER DISTRICT EXPANSION FOR DECEMBER 14 AT 6:00

MOTION: S/Reagon

SECOND: C/Russell

ROLL CALL: C/Perotti - AYE C/Doyle - AYE
C/Euvrard - AYE C/Russell - AYE
S/Reagon - AYE

MOTION CARRIED 5 to 0.

SNOW REMOVAL - ACCEPT BID

Councilwoman Doyle read the public notice soliciting bids for snow removal. Supervisor Reagon then opened the only bid that was received: \$12,920 from Northwest Lawn and Landscaping. This bid covers removal of snow up to 80 inches. Additional snow will be removed at additional cost.

SNOW REMOVAL - ACCEPT BID OF \$12,920 FROM NORTHWEST LAWN AND LANDSCAPING

MOTION: C/Euvrard

SECOND: C/Perotti

ROLL CALL: C/Perotti - AYE C/Doyle - AYE
C/Euvrard - AYE C/Russell - AYE
S/Reagon - AYE

MOTION CARRIED 5 to 0.

BUILDING CODES - NEW LOCAL LAW

Attorney Michael Hayes explained that the NYS Department of State has new building code regulations for next year. The Town must adopt a local law in order to be in compliance. The Town Board can either revise the old chapter 63 or discard the old chapter 63 and adopt a new one using the model provided by the State. Everyone agreed that repealing the old law and adopting a new one was the best approach. Because several areas of the model law have discretionary items, the Town Board was requested to get their feedback to the attorney by December 7 so he could have a draft law ready for the December 14 meeting. The new State standards go into effect on January first, so we should try to get this accomplished as soon as possible, although there is no specific deadline.

GRANTS UPDATE

- Berkshire Taconic Community Foundation has given us a grant for \$3,000 toward playground equipment that is handicap accessible. This is the maximum amount awarded for this grant. Because this is a private foundation, the Town can get the money up front. This is the second time Amenia has gotten the full amount for this grant.
- A \$2500 check has been received by the Town to help people who cannot afford to clean up their yards. Michael Hayes cautioned that the Town can accept money only to pay for something that the Town could spend its own money on. If the money were designated for town-wide clean-up purposes, then the Town could accept it. Some of the money could be used for private homeowners who cannot afford to pay for clean-up. Individuals could not draw on this fund. A town-wide amnesty day would also qualify.
- Mechanic Street sidewalks: the meets and bounds document plus a few other items are still missing before we can move forward with the DC Department of Public Works.

CASCADE MOUNTAIN ROAD PAVING

In response to a question from Supervisor Reagon, Highway Superintendent Stan Whitehead confirmed that proper procedures were followed in the paving of Cascade Mountain Road. The lowest 100 feet before the bridge was paved quite a while ago; a 2600-foot section was paved in the summer of 2006; about 4,000 feet remain to be paved. The procedure involves an "agreement to spend town funds" which is voted on at the January Reorganization meeting. This agreement is signed at the Reorg meeting and then sent to the County. The Highway Department cannot spend any money until this agreement is signed.

In terms of paving a road, does SEQRA apply? Michael Hayes stated his opinion that the Type II SEQRA exemptions do not apply to paving a dirt or gravel road. However, an engineer had told Stan that the exemption did apply. For that reason, Stan had never done a SEQRA review when paving a dirt or gravel road. To err on the side of caution, it was decided that future paving of dirt or gravel roads would at least be subjected to a short-form EAF (Environmental Assessment Form).

Councilman Russell noted that "scenic roads" in the Master Plan may be paved or unpaved. Even though a road may be paved, if it is not wide or lined, it is still "scenic". The two reasons for paving a road are cost and safety - it is very costly to maintain a dirt road and at certain times of the year a dirt road may be impassible even to emergency vehicles.

TOWN PARKING LOT SIGNS

The Town owns a parking lot beside the Library where neighbors park overnight which does not cause a problem. However, one car is being stored in the lot on a permanent basis and is never moved. Because the car is registered, it cannot just be towed away. Supervisor Reagon suggested that a 16-hour limit for parking would allow neighbors to park at night, but would not allow long-term storage of a car. The Board requested Michael Hayes to investigate an ordinance that would apply to both Town parking lots (including the one near the Rail Trail).

MINUTES

Approval of the minutes of the Town Board meeting on November 3, 2006 were deferred until the next meeting since not all Town Board members had received copies. The minutes of the Town Board meetings of August 17 and September 21, 2006 were approved:

APPROVE MINUTES OF AUGUST 17 AND SEPTEMBER 21, 2006

MOTION: C/Euvrard

SECOND: C/Russell

ROLL CALL: C/Perotti - AYE C/Doyle - AYE
 C/Euvrard - AYE C/Russell - AYE
 S/Reagon - AYE

MOTION CARRIED 5 to 0.

DEPARTMENT REPORTS:

ZONING OFFICE

Nancy Brusie reported that Stan Whitehead had spoken to a State Trooper (about the long-term storage of the car in the Town parking lot) and that the Trooper told the vehicle owner that the car had to be removed by the end of the day today.

HIGHWAY SUPERINTENDENT REPORT

Stan Whitehead reported:

- Took down dead trees on Perry's Corners Road and Lake Amenia Road at a cost of \$5800.
- The storage/salt shed is finished at a cost of \$14,175.

WATER DEPARTMENT

Gary Bonds reported:

- Working with John Lazarony on a detailed letter to comply with DEC requirements regarding well 4A. DEC needs to know which area will be disturbed in order to complete work on the well.
- The new well has built up a lot of sediment and must be cleaned.
- Because of a break (and leak) in the water line, all pumps have been running constantly for 10 days, producing 127,000 gallons a day. Half a million gallons of water were lost in the last 10 days. One more break and we would have been out of water in 40 hours. Digging to fix the leak, they found three shut off valves. This is an example of the poor condition of our water lines and the difficulty of finding and fixing leaks.

PUBLIC ACCESS (CHANNEL 22)

Gary Bonds reported that the volume of announcements has gone up. Some announcements come from more than one source with contradictory information. This is very confusing and inefficient if Gary must change an announcement that has already been aired.

TOWN CLERK REPORT

Town Clerk Gail Hermosilla gave the attached report.

TOWN BOARD COMMENTS

Councilwoman Doyle:

- "Glory of the snow" bulbs come up before daffodils. There will be a contest for youth under 10 years related to spotting the blue flowers in the spring.
- Fountain Square decorating party: Saturday November 25 from 10:00 - 12:00.
- Holiday of Lights: Sunday December 3. Santa will be at the Amenia Library at 2:30 and Wassaic at 4:00. The tree lighting in Amenia will be at 4:30 and Wassaic at 5:30.

Councilman Euvrard:

- Turkey benefit. Sunday in the Country and WQQQ raised \$12,000 at the event at Silo Ridge. Thanks to Linda and Jack Gregory among others, 400 people had a great time.
- Joel Russell is paid a fixed rate per trip, \$350. Since he is a paid consultant, it is illegal for the Town to pay for his meals (according to the NYS Comptroller's Office). Supervisor Reagon explained that the dinner referred to was a working dinner and it is customary when doing town business, that the Town picks up the reasonable cost of meals, in this case, pizza. Supervisor Reagon said that she would check with the Association of Towns and rectify the situation if needed. Councilwoman Doyle observed that we need a clear policy to avoid confusion and embarrassment.

Supervisor Reagon:

- Spoke with Town of Stanford to see if they are interested in joining a consortium for the delivery of emergency services.
- Hudson River Watershed Alliance meeting tomorrow at Mohonk Mountain House.
- D.C. Supervisors and Mayors Association Holiday party at Troutbeck.
- Harlem Valley Rail Trail meeting Tuesday November 28 at 7:00 p.m. at Oblong Books to discuss the expansion to Copake.

PUBLIC COMMENTS

- Maria Genovese: Did the Town ever look into a grant to repair the dirt roads? Councilwoman Doyle explained that maintenance grants are extremely hard to get. Most grants need to be tied to economic development. If rural scenic road protection is added to the Master Plan, then a grant funding agency would look more favorably upon it.

Did the Town know it would cost about \$127,000 to pave to the top of Cascade Mountain Road? That money could have been spent to maintain the dirt road for another 3 and half years. Won't the paved road need to be re-paved in a few years? In answer to this, it was stated that Stan has not re-paved anything in 13 years. CHIPS funding requires that a pave job last at least 10 years.

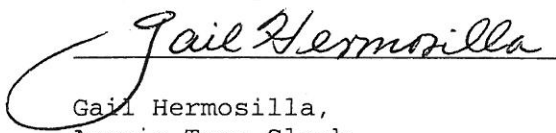
Michael Hayes noted that he had reviewed the process by which highway projects get decided and funded. If a dirt road is to be paved, he recommends a short-form EAF for SEQRA. There is no case law on this issue. Councilwoman Doyle added that even a negative declaration would have the benefit of discussion at a public hearing. The Town of Stanford has enacted a scenic roads ordinance. Dutchess Land Conservancy can help with overlay laws, etc.

- Elizabeth Whaley clarified that under NYS law a town can adopt a "scenic road designation" whether the roads are paved or unpaved. Other features such as view sheds, stone walls, and so on contribute to the scenic road designation. Furthermore, dirt roads create a problem because of washouts which can wash road material into our waterways and aquifers.
- Gaye Parise voiced her preference for gravel roads which are more beautiful than tar roads constructed of petroleum products.
- Sharon Kroeger asked the Town to be careful not to adopt a "one size fits all" parking regulation. She has a disabled tenant who should not be forced to walk because of a restrictive parking ordinance.
- Elizabeth Whaley observed that the Harlem Valley Rail Trail would not be nearly so popular if it were not paved.
- Pat Nelligan voiced his strong opposition to the paving of Lavell Road, however, he did not think SEQRA was needed in these cases (paving of dirt roads). On the topic of water, Pat Nelligan cautioned that we don't have enough water to extend the water district. Well 4A is not located where it should be and if the situation is not resolved, he will get a "stay"

ADJOURN

The motion to adjourn was unanimous.

Respectfully submitted,


Gail Hermosilla,
Amenia Town Clerk

Approved by Town Board: 2-15-07

Draft to Town Board: 11/30/06 (hardcopy to Wayne, email to others)

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Gail home PC:\C:\Gail\Town Clerk\minutes\2006-11-16 PH on OWF, mtg, 11/25/06

Town Clerk Monthly Status Report for October 2006
Presented November 16, 2006

Regular Monthly Activity:

Legal notices:

Public Hearing	1
Bids/job openings	0

Transfer Station:

Transfer station permits	10
Bulk permits	30
Coupon books	153

Licenses sold:

Bingo/games of chance	0
Dog	12
Hunting/fishing	0

Permits issued:

Burning	47	Fireworks	0
Handicap Parking	6	Gathering	0
Peddler	0	Junkyard	0
Trailer park	0		

Vital Statistics:

Marriage licenses	2	Birth certificate copies	2
Marriage certified copies	5		
Death certificates copies	1		

Miscellaneous:

FOILS received	0
Zoning books sold	2
Photocopies, misc.	56

As a result of this activity, we gave the Supervisor \$ 4,179.76 for last month.

Town Clerk Office Renovation

The Town Clerk office was busy this week (and both days of the weekend) organizing all the records that had been so quickly sent off to Arnoff after the July Town Hall accident. We have identified records to be kept in off-site storage and have re-organized the records that will be kept in our office. The end result of this major effort will be reduced time to locate records resulting in a more efficient operation.

Transfer Station

As some of the regular users of the Transfer Station may have noticed, Jack Rooney is now using a computer list to verify that a person's Transfer Station permit is up-to-date. I want to thank everyone who came immediately up to the Town Clerk office to renew their permit. Jack and I have been working together closely to improve all the paper work procedures associated with the Transfer Station. We have developed an excellent tracking system for coupons sold, and are now working on the permits. We are always open to suggestions for improvements as we go through this process.

Fishing/Hunting licenses

We are still not able to issue hunting or fishing licenses. There is a list in town hall and also on channel 22 of places to purchase these licenses. We will get our DEC computer set up to issue licenses as soon as possible.

Dibbles and bulbs

I am proud to announce that we have distributed 50,000 spring bulbs as part of the "Amenia Does the Blues" project. We want to thank everyone who participated so enthusiastically with this project. If you have borrowed a "dibble" for planting the bulbs, please return it as soon as possible. We may need them for next year's planting! This is all part of the project to turn Amenia blue in the springtime as a tribute to our departed loved ones, especially Dolores Holland, the 2006 Amenia Citizen of the Year.

Thank you, Gail Hermosilla, Town Clerk

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